

To: Herrera, Angeles[Herrera.Angeles@epa.gov]
From: Greg Lovato
Sent: Mon 5/9/2016 11:59:51 PM
Subject: RE: DRAFT - For review - Anaconda Site Schedule and Planning

Thanks for this Angeles and for the discussion with Gene last week.

I will be replying to you on this tomorrow and I think we are in alignment the major issues and schedules that we can work on clarifying the others.

From: Herrera, Angeles [mailto:Herrera.Angeles@epa.gov]
Sent: Wednesday, May 04, 2016 5:48 PM
To: Greg Lovato
Subject: RE: DRAFT - For review - Anaconda Site Schedule and Planning

Greg,

I have reviewed your proposed schedule for the site activities and discussed it with my project team. In general, EPA agrees with your proposal for dividing and coordinating the OU-8 tasks, and EPA agrees with your associated OU-8 schedule. As I indicated in my previous email, EPA does not agree that your proposed dates for OU-1, OU-3, OU-4a and OU-7 are achievable or enforceable. In addition, EPA would also like NDEP to consider leading the cleanup efforts on OU3. Once BLM, NDEP and EPA agrees to a schedule, EPA will add the schedule to the enforcement order for ARC.

I worked with my team to developed the attached aggressive and achievable schedule with the following assumptions/considerations:

1. The schedule assumes BLM agrees to EPA lead for OUs 1, 4, and 7 and that BLM agrees to NDEP lead for OUs 3 and 8 and does not raise serious objections to the schedule or technical approach.

2. If ARC challenges the schedule and we are required to meet with them or take them to court, for each month delay this causes the schedule needs to be extended by one month.

3. If ARC challenges the order and we end up in court and if the court rules the schedule is unreasonable, then we must start over and all dates in the schedule become invalid.

4. The counterproposal reflects an accelerated OU1 schedule but this can only happen if NDEP assumes the entire lead for OU3 RI / HHRA / FS completion. If NDEP declines to take the entire lead for OU3 then the only way the OU1 schedule can proceed is by mothballing OU3 work and completing it later, after OU1, OU4, and OU7 are completed.

5. All dates assume ARC deliverables are reasonably correct and that revised deliverables reflect EPA's comments.

6. The counterproposal assumes EPA will no longer engage in extended technical exchange in an attempt to achieve consensus on the technical path forward. If ARC deliverables raise too many concerns with EPA in consultation with stakeholders then EPA may need to start rejecting deliverables and require ARC to resubmit them. This will likely cause delays in the schedule. If revised ARC documents do not address EPA comments then EPA may reject the deliverable and require resubmittal by ARC.

7. The OU1 FS schedule assumes EPA, NDEP and ARC do not end up in a formal dispute over ARC's resistance to consider groundwater restoration as a remedial action objective.

8. The OU1 FS schedule assumes EPA's resources are not unduly diverted from project management to litigation with ARC.

9. All dates assume that the amended schedule and or/unilateral order will be issued to ARC by June 1, 2016. For each month this is delayed the schedule needs to be extended by one month.

As I mentioned, this is a very aggressive schedule and will need to be adjusted to reflect BLM and NDEP's comments but it's a good place to begin the dialogue. Regarding the public meeting, I'm proposing we postpone it until the end of June so we have some additional time to work on the overall schedule and coordinate with BLM.

Angeles

Angeles Herrera

Assistant Director

Superfund Division

U.S. EPA Region 9

From: Greg Lovato [<mailto:glovato@ndep.nv.gov>]

Sent: Tuesday, May 03, 2016 8:15 AM

To: Herrera, Angeles

Subject: Re: DRAFT - For review - Anaconda Site Schedule and Planning

Thanks Angeles. It will be good to share some common objectives for the year and be able to share those with the community.

Greg Lovato

Deputy Administrator

NV Division of Environmental Protection

775-687-9373

On May 2, 2016, at 6:47 PM, Herrera, Angeles <Herrera.Angeles@epa.gov> wrote:

Thanks Greg.

I am going to discuss your proposal with the team and should be able to provide you with our comments by the end of this week. Just an initial thought from my limited knowledge, I think we are close to an agreement to the OU8 schedule the other Ous seems a bit unrealistic and we will need to discuss further. Thanks.

From: Greg Lovato [<mailto:glovato@ndep.nv.gov>]

Sent: Monday, May 02, 2016 4:24 PM

To: Herrera, Angeles

Subject: FW: DRAFT - For review - Anaconda Site Schedule and Planning

From: Greg Lovato

Sent: Friday, April 29, 2016 3:06 PM

To: Angeles Herrera

Subject: DRAFT - For review - Anaconda Site Schedule and Planning

Angeles,

As we discussed recently I am providing a proposal (see below) of how EPA and NDEP plan to develop overall site priorities and schedule for the Anaconda Site for the rest of calendar year 2016 and the first part of 2017 for your review and comment. This effort will allow NDEP and EPA designate and allocate necessary resources and provide the basic messages on site progress to share with the Yerington community as part of upcoming public meetings and revisions to the Community Involvement Plan.

I suggest that NDEP and EPA provide draft schedules to one another by May 13 and then we have a conference call on May 19 to discuss comments. Then we need to provide the schedules for BLM review and comment.

Once we get those schedules shared and comments incorporated from BLM we can update the attached overall out year schedule and finalize messages for the next public meeting. We may or may not be able to accomplish all this prior to June 7, so we may need to reschedule the public meeting until we are ready.

Here is my availability next week to discuss this and the CIP with you:

Monday 9 to 11 am, and 4 to 5:30 pm

Thursday 9 to 10:30 am, 11 to 2 pm, 3:30 to 5:30 pm

Friday 9 to 10 am, Noon to 5:30 pm

We propose that NDEP develop a schedule for OU-8 (not including any potential groundwater contribution) that includes completing a DRAFT Record of Decision by February 2017. This includes the following interim steps and associated subtasks:

1. Completion of the Human Health Risk Assessment
2. Completion of the Final Feasibility Study including consideration of Institutional Controls
3. Publish Proposed Plan and Condensed Proposed Plan Fact Sheet
4. Public Meeting on Proposed Plan
5. Draft Record of Decision and Responsiveness Summary

Since EPA developed the draft HHRA and draft FS we would like to discuss the pros and cons of EPA taking the lead on finalizing those documents by August 2016. This would include incorporation of any stakeholder comments as determined to be necessary. This should provide enough time for NDEP to complete steps 3 through 5 by February 2017.

NDEP would plan to provide drafts of the Proposed Plan, Fact Sheet, Public Meeting materials, and Draft Record of Decision and Responsiveness Summary in accordance with the July 1999 EPA guidance *A Guide to Preparing Superfund Proposed Plans, Records of Decision and Other Remedy Selection Decision Documents* for review and comment by EPA and BLM prior to publication. NDEP will need to understand EPA Region 9 and BLM State Office availability for providing comments in a timely manner as well as EPA HQ and any BLM HQ or DOI involvement.

NDEP proposes that EPA develop and set in writing an enforceable schedule under existing enforcement orders for ARC to complete the following in 2016 for each of the following priority OUs.

OU-4a (evaporation ponds):

Completion of HHRA/RI by September 2016

DRAFT FS by July 2016

FINAL FS by October 2016

OU-1 (sitewide groundwater):

Completion of HHRA/RI by September 2016

DRAFT FS by September 2016

OU-7 (Wabuska drain):

DRAFT HHRA/RI by November 2016

FINAL FS by December 2016

OU-3 (Process Areas):

DRAFT FS by August 2016

Final FS by December 2016

NDEP can take the lead on addressing petroleum releases.

Greg

Greg Lovato, Deputy Administrator

NV Division of Environmental Protection

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